

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 28, 2019 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Mutch, (late) Poupard, Verma

ALSO PRESENT: Pete Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

Member Breen added to Mayor and Council Issues: Consideration of the Human Rights Ordinance.

CM 19-10-179 Moved by Casey, seconded by Poupard; MOTION CARRIED: 6-0

To approve the Agenda as amended.

Roll call vote on CM 19-10-179 **Yeas: Staudt, Breen, Casey, Poupard, Verma, Gatt**
Nays: None
Absent: Mutch

PUBLIC HEARING: None

PRESENTATIONS:

1. Proclamation to Celebrate the 200th Birthday of Oakland County – Monique Harlan, Oakland County Bicentennial Celebration Executive Committee

Mayor Gatt said the City of Novi is celebrating 50 years, and Oakland County is celebrating its 200th Birthday. He presented the Proclamation to Monique Harlan. Ms. Harlan thanked Mayor Gatt on behalf of the Oakland County Bicentennial Celebration Executive Committee.

2. Galaxy Gazers Research Project

The Galaxy Gazers Team 38273 said this is their research project about the SolarBrella. They are trying to reduce fossil fuel energy consumption and they are trying to save fresh water in the City of Novi. The places they chose were the Novi Public Library and Fuerst Park. They decided to pick those areas because many people go there and it will spread awareness on renewable energy. It will also add to the Novi Public Library's bio space vision. SolarBrella is an upside down umbrella that generates energy using solar. It also collects water for water harvesting which is stored in a tank. SolarBrella's inverted

umbrella top allows water to be collected. This can be piped into an underground tank or a tank on the side of a building to be used later. This water can be used for anything that doesn't require potable water. The solar panels on the SolarBrella collect energy which can be used to light the lights on SolarBrella for night time users or it can be used to power buildings nearby. The amount of energy the SolarBrella uses for one square foot of solar power will produce 15 watts of power. In four hours of the solar energy being collected that will be enough to last a light bulb six hours. It only takes three hours of collecting water to fill a 60 gallon tank they are planning to use. They were asking City Council to support and implement SolarBrella at Fuerst Park and the Novi Public Library. SolarBrella could provide light for night time visitors to Fuerst Park and on things that do not require purified water such as sprinklers. It will reduce the usage of fossil fuels and will save water. Thank you for your time and support. The Galaxy Gazers Team said they were available for questions.

Member Casey commented that they have done a great job, and thanked them for coming in. She wondered how many SolarBrellas it would take to light up Fuerst Park. One of the representatives said the goal was not to light up all of Fuerst Park, but the picnic tables. The Team said they were not sure how many they will need. They thought it would take around five SolarBrellas.

Member Poupard wondered what made them interested in this. The Team said they are interested in this because their Team is big on renewable energy and keeping our planet green. They thought a lot of water is getting wasted and they felt that one day we will not have enough fossil fuels. They decided to start implementing a solution to help use renewable energy resources. Member Poupard said bravo, it sounds like they chose something that was doable. Congratulations.

Member Breen wondered what brilliant idea they are going to come up with next so that City Council can support that also. The Team responded and said they didn't know at this time. It will depend on next year's robotics team theme will be.

Mayor Pro Tem wondered who has been the advisor for this project. The representative said they have talked to firefighters to see the water harvesting. They talked to the Library about how much energy they consume and how they could help with it. They also talked to Brandon (McCullough), from the Facilities Department at the City.

Mayor Gatt thanked them all and said they are proud of all of them. The audience gave a round of applause for our future generation. The Galaxy Gazer's Coach thanked everyone at the City that has helped with their time and feedback with this project.

3. Recognition of Council Members Ramesh Verma and Doreen Poupard

Mayor Gatt called down Dr. Doreen Poupard. Mayor Gatt said his colleagues, administration, and all the people watching know that Dr. Poupard came out of retirement a few years ago and she filled in for a council seat that was vacant. She

filled in admirably. She did everything better than most of us on Council table. She then retired and we said thank you. About a year ago they had a need and Dr. Poupard came out of retirement again to help us. There is a lot of reading, discussion, research, deliberation that go on behind the scenes that a lot of people don't know about. Mayor Gatt said on behalf of the City Council, City Administration and City Staff, thank you for all that you do. Thank you for your contributions, she certainly made a difference. Dr. Poupard said it was really humbling to have somebody say something so nice about you when you know that everyone of your colleagues and the people that work in administration are really the heroes and heroines within the City. She said it has been an honor and a privilege to get to know all the hard work. She said you do not know unless you scratch the surface what competent staff that are always willing to go the extra, no matter what. She thought the City was blessed with good Administration and with a Council that is very clear with a vision in keeping with the ordinances and the rules and regulations. She said government works in the city of Novi and sometimes she wonders when she listens to the national news what is going on. People in Novi listen to one another; they work together and know what the values are. The collaboration between staff which is always available to do whatever Council says or needs. She congratulated all those that were up for election in two weeks. God bless.

Mayor Gatt had Member Verma join him. He said both Dr. Poupard and Ramesh Verma already had a job with the City. They were already giving back by being members of the Library Board before serving on Council. He apologized to Director Farkas for taking two of her best when Council brought these two on board. Dr. Poupard came on in January, but prior to January we had an opening that we had to fill to meet the obligations of the City Charter. By unanimous consensus of our members on the City Council, Ramesh Verma's name came up. He said when they called him and asked him, he gladly and quickly said yes. He wanted to give more, he wanted to be part of the City Council, and he wanted to give back to the community that he loved so much. In his one year plus, on City Council he has been instrumental on many different votes. He cast the deciding vote on several different items and his mark will be forever felt on the city of Novi. Mayor Gatt thanked Mr. Verma for giving, being so humble all the time, and thanks for being the best dressed person up there all the time. He commented that Mr. Verma was a very nice man. He felt honored and privileged to call him his friend. Mayor Gatt said when he leaves City Council he will be serving on the Zoning Board of Appeals. Mr. Verma said he was with the Mayor a week ago and he told him about the recognition, so he prepared something to say. He said he was so humbled and honored to serve this great Council of Novi. He thanked Mayor and all the Councilmembers for giving him the opportunity to share his beloved Novi and to do something. He enjoyed serving with the experienced City Councilmembers who have had experience for a number of years. They must be doing this with a good heart for the City. He is carrying with him the jolly good feelings of you all. He quoted from an email written by the City Manager which said "We, the City Council down to our newest hire, work as a team and have built a competent, efficient, and effective system that most communities would envy". He said yes, that is very true. We are the best in every respect. God bless you all. He said with his deepest and warmest good

evening, thank you all again for your support. Thank you very much Mayor. The audience gave a round of applause.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approval of Minutes of October 7, 2019 - Regular Meeting
- B. Approval to award the Sport Clothing and Apparel contract to Impressive Promotional for one (1) year with two (2) renewal options in one-year increments based on unit pricing; with an annual estimated annual amount of \$26,500.
- C. Approval to purchase four (4) speed signs for the Novi Police Department from All Traffic Solutions, sole source provider, in the amount of \$16,780.
- D. Approval of Resolution regarding Temporary Holiday Promotional Signage allowing temporary relief from Sign Ordinance from November 29 through December 26, 2019.
- E. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation cost of five (5) street lights; one (1) at the entrance of Emerson Park off of Novi Road and four (4) within the subdivision, and approval of an agreement with Pulte Homes of Michigan, LLC for the sharing of installation and ongoing operation costs per the City's Street Lighting Policy.
- F. Approval of a cost participation agreement with the Oakland County Board of Commissioners for the proposed reconstruction of Lee BeGole Drive, in the amount of \$104,471.
- G. Approval to purchase a Hewlett Packard L 365 64-inch Latex Printer, Graphtec 54-inch Plotter with Ethernet kit, and GFP 355 TH 55-inch top heat laminator Package from Grimco Inc., in the amount of \$28,195.11.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement (SDFMEA) from Pulte Homes of Michigan, for Villas at Stonebrook located north of Eleven Mile Road and east of Wixom Road (parcel 50-22-17-301-085).
- I. Final approval of the request of Cambridge of Novi, LLC for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan and Agreement, JSP 17-52, Terra, formerly known as Villa D'Este, associated with Zoning Map Amendment 18.718. The applicant proposed a 41-unit single-family ranch housing

development on approximately 30.14 acres on the north side of Nine Mile Road, east of Napier Road. The current amendment is requested to allow greater flexibility for construction of individual homes, to allow alternate pavement material for sidewalks and driveways, and for other minor changes.

- J. Approval of request for Fireworks Display Permit by City of Novi Parks, Recreation and Cultural Services, to be operated by ACE Pyro, on Friday, December 6, 2019 for the Light Up the Night community event, subject to final approval as to form by City Manager and City Attorney.
- K. Authorization to take all actions necessary to modify the funding arrangement with the current health insurance provider, Health Alliance Plan (HAP), to self-insurance coverage administered by HAP, with the same benefits as are currently provided, with excess or stop loss coverage to be secured through HAP's preferred insurance partner.
- L. Approval of Claims and Accounts – Warrant No. 1046

CM 19-10-180 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

Roll call vote on CM 19-10-180

**Yeas: Breen, Casey, Mutch, Poupard, Verma,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Consideration of requests from Texas Roadhouse Holdings LLC d/b/a Texas Roadhouse:
 - A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
 - B) Consideration of request to transfer ownership of escrowed 2018 Class C license with Sunday Sales Permit (AM/PM), Specific Purpose Permit (Food), and Outdoor Service Area (1) from Outback Steakhouse of Florida, LLC (a Florida Limited Liability Company) 1880 S. Rochester Road, Rochester Hills, MI 48307 to Texas Roadhouse Holdings LLC, d/b/a Texas Roadhouse, a new business to be located at 26730 Adell Center Drive, Novi, MI 48375

Steve Grobbel, Liquor Licensing Attorney for Texas Roadhouse Holdings, LLC. He had with him, Brian O'Hara, Managing Partner of this new location in Novi. He will be handling the day-to-day operations. He stated that Texas Roadhouse is a family-friendly, fast-casual steakhouse. They are very excited about the possibility of joining the Novi restaurant entertainment district. This is a new construction for them. They are

going in at 26730 Adell Center Drive. They have commenced some construction and they drove by it on the way in. They are looking at a spring opening if all goes well. They are investing a considerable amount of money into the site and into the construction and hope to bring approximately 150 jobs, both full and part-time with the restaurant. They were happy to answer any questions.

Motion A

CM 19-10-181

Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY

Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the Special Land Use approval.

Member Mutch asked City Attorney Schultz about the review letter from the Fire Department that they had granted conditional approval based on various conditions being met. He wondered if that was incorporated in the approval that City Council will be approving that evening. Mr. Schultz replied, yes, they will still need whatever fire approvals they are required to have.

Roll call vote on CM 19-10-181

**Yeas: Casey, Mutch, Poupard, Verma, Gatt,
Staudt, Breen**

Nays: None

Motion B

CM 19-10-182

Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of request to transfer ownership of escrowed 2018 Class C license with Sunday Sales Permit (AM/PM), Specific Purpose Permit (Food), and Outdoor Service Area (1) from Outback Steakhouse of Florida, LLC (a Florida Limited Liability Company) 1880 S. Rochester Road, Rochester Hills, MI 48307 to Texas Roadhouse Holdings LLC, d/b/a Texas Roadhouse, a new business to be located at 26730 Adell Center Drive, Novi, MI 48375, because the proposed licensee is in fact unique as compared to other venues in the area, because the proposed use is in an area focused on entertainment and the proposed licensee will positively add to the mix of tenants, and because the use is not inconsistent with or detrimental to other existing uses in the area.

Roll call vote on CM 19-10-182

**Yeas: Mutch, Poupard, Verma, Gatt, Staudt,
Breen**

Nays: None

2. Consideration of approval to purchase two (2) 2020 Ford F-150s and two (2) 2020 Ford F-350s from Signature Ford, through the Macomb County Cooperative Purchasing Contract; and the up-fits to be completed by Truck and Trailer

Specialties through the City of Rochester Hills RFP contract, in the amount of \$144,762.

CM 19-10-183 Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY

Approval to purchase two (2) 2020 Ford F-150s and two (2) 2020 Ford F-350s from Signature Ford, through the Macomb County Cooperative Purchasing Contract; and the up fits to be completed by Truck and Trailer Specialties through the City of Rochester Hills RFP contract, in the amount of \$144,762.

Roll call vote on CM 19-10-183 Yeas: Poupard, Verma, Gatt, Staudt, Breen, Casey, Mutch
Nays: None

3. Consideration of approval to purchase four (4) 2020 Ford Escape Hybrids and two (2) 2020 Ford Escape from Signature Ford, through the Macomb County Cooperative Purchasing Contract, in the amount of \$155,980.

CM 19-10-184 Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY

Approval to purchase four (4) 2020 Ford Escape Hybrids and two (2) 2020 Ford Escape from Signature Ford, through the Macomb County Cooperative Purchasing Contract, in the amount of \$155,980.

Member Mutch noted that Council always gets asked from the community what the City is doing for environmental issues. He said four of the vehicles being purchased are hybrid vehicles based on the amount of idling that the vehicles being replaced currently do. He said that seeing an opportunity to purchase vehicles that will be more fuel efficient and more environmentally friendly. These vehicles are in line with Council's sustainability goals and he was pleased to see those and he was fully in support of these.

Roll call vote on CM 19-10-184 Yeas: Verma, Gatt, Staudt, Breen, Casey, Mutch, Poupard,
Nays: None

4. Approval to award the purchase of playground equipment at Lakeshore Park to Landscape Structures in the amount of \$192,142.80, using an HGAC Buy cooperative purchasing contract and Approval to award the installation of the playground equipment at Lakeshore Park to Penchura LLC in the amount of \$57,857.75.

Member Casey asked PRCS Director Muck how we are going to protect the playground area in the park from the roads that are being built into the park. Mr. Muck said they had the discussion with their playground designer. He explained what you do is a visual deterrent for kids. They go from a playground surface, to a grass strip, to a

sidewalk, and then the parking lot in that scenario. That is a real visual deterrent for kids. They see that at Pavilion Shore the way they designed that with the buffer to the lake. Member Casey said she looked forward to bringing her nephew when it was done.

Member Breen said she loved so much about everything about this. She did bring up a concern before and she talked to parents about it. She wondered about the feasibility of bringing the two separate structures closer together. She was not saying they needed to be right on top of one another, but closer. Sometimes there may be only one parent, but if they have two different aged children, one may be on the play structure and the other one on a different one. When the structures are about 80 feet apart it is going to be extremely difficult if not impossible to keep an eye on both children at once. She understood there are barriers to keep kids safe from the road and the detention basins and it has worked wonderfully at Pavilion Shore Park. What she wanted to see was to have the two structures a little closer together to make it better for the parents that have more than one child there. She wondered if they could make that happen. Mr. Muck said he would look for Council to give that direction. This is the site plan they are proposing. He completely understood her concern about the distance. On the other counter point if we look at the design there are families that want that separation between two playgrounds because they may only have a three year old. They may not want their three year old playing on the larger playground. That is definitely a factor; they may want that quieter space that is more contained. That is one of the reasons why they designed it this way. Member Breen said it wasn't just her perspective, they are not asking them to put them on top of each other. She said she would like to see something happen to bring them a little bit closer. She thought 80 feet is a big space. She said she would leave that for her fellow colleagues to comment if they wish to. Her second question was regarding the surface that was going to be there. She said it is supposed to be ADA accessible and wood chips are not going to cut it. Mr. Muck went back to the separation of the two playgrounds, if Council does elect he would like more direction on what would be an acceptable distance. He mentioned that we are dealing with some drainage issues and utility lines so he would need to go back to the drawing board and look at what would be an approved distance. In regards to the surface, it is an engineered wood fiber surface and that is the playground surfacing that we have all across Novi. It is all across the state and the country. That is the most cost effective safety surfacing you can have. It is ADA compliant. If we were to go to Poured in Place surface, that is the rubber surface which we have one playground like that in Novi at Power Park. The cost estimate to do an entire Poured in Place surface for Lakeshore Park would be around \$150,000 dollars. Member Breen said she brought this up earlier; she would like us to consider in the future, some budget items to add shading because there is nothing to protect the kids from the sun. Other parks that we have there are pavilions close by where people can seek refuge from the elements if needed. Member Breen asked City Manager Auger what we could do about the possibilities of bringing the two play structures a little closer together. Mr. Auger said he didn't recommend doing that. The professional staff and the Parks and Recreation Commission all studied the issue. They did have healthy debate on the separation versus to putting them close together. He

agreed with Mr. Muck and said there are other elements that do play into the design of the park. He brought up the drainage issue and the utility lines that Mr. Muck mentioned earlier. Mr. Auger said as far as the extra structure and shade, they plan on looking at that and address it as the park gets used so they can see where to best place them. Member Breen said she didn't want to hold up the project with her hang up on the distance of the structures. Overall she believed it was a great plan. She loved the friendship swing that was in there, and the accessibility. She said she has put her concerns on the record; she didn't have anything further right now.

CM 19-10-185 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval to award the purchase of playground equipment at Lakeshore Park to Landscape Structures in the amount of \$192,142.80, using an HGAC Buy cooperative purchasing contract and approval to award the installation of the playground equipment at Lakeshore Park to Penchura LLC in the amount of \$57,857.75.

Member Poupard commented on how encouraging it was to see the wheelchairs in the pictures that they had. She said growing up with tires, trees, and teeter totters; she was overwhelmed and impressed with the structures that we have. She wondered about the budget for upkeep and repair. Mr. Muck said the playgrounds are about a 15-year lifespan. He said we have four outstanding certified playground safety inspectors on our parks maintenance team and they inspect the playgrounds monthly. They make repairs as needed as we go along, most are relatively minor. Member Poupard asked if there was a budget issue connected with upkeep. Mr. Muck said they have a budget for annual maintenance. In support of Member Breen, she wondered if they were only looking at one chair set for parents, is there room for parents to sit with the children? Mr. Muck said they will have four benches included in this purchase install and as we do with all of our parks, as we grow into them and use them, we see how they are trending and we can always add more if needed.

Member Mutch said he wanted to follow up on a couple issues that were raised. He referred to the work fiber surface being ADA accessible. Is it considered universally accessible as the DNR references when they are doing grant reviews? He understood that it was a higher standard than ADA compliant. Mr. Muck said yes, that was correct. The playground at Power Park with the Poured in Place surface would be considered universal. Mr. Mutch wondered what the key difference was between the two standards were. Mr. Muck said surfacing can be one of them; it is also the amount if all areas can be readily accessible by someone with a disability. Member Mutch said knowing the DNR standard if we were seeking out grant funding for a project like this and that is the direction they are pushing communities to move in, is cost the only issue for not using a Poured in Place surface? Mr. Muck said yes it is. Ideally our parks maintenance department would love to see a Poured in Place on every surface. We have a \$250,000 budget that was given to us gracefully by Council and we wanted to make the most of it. He said we have to remember how much use these three

playgrounds are going to get. We have three park shelters, camp, we have a full beach, so when we started designing this playground we were really looking at playability. How many kids are going to use this? We had to look at a more expensive surface at the expense of play items doesn't meet our standard of what we wanted to do with this playground. Member Mutch said he understood that. He said this is a conversation that we have had as a Council, he personally thought when we come down to these decisions in terms of do we spend the extra amount to make this fully accessible to all children in a way that this may not be. He stated that out of a \$5 million dollar project this is where we are going to cut? He felt that was a decision for City Council to make and for us to say to achieve that maybe we need to put a little more money into this project to make it fully accessible to all users. He said that as much as Mr. Muck has tried to with this design obviously if that is where you cut it there is a potential for some users to not be able to access the park and that is unfortunate. He said to carry the thought further you are right now in the process of asking the community to comment on the strategic plan. He asked what level or standard are we setting for the future. He asked if we are going to shoot for ADA or universal. Mr. Muck said that would be a question for Council and we can bring back those options in the future. Member Mutch asked what the department was proposing. Mr. Muck said the department has gone forward with ADA compliance because of the additional standards to meet universal. Member Mutch said that is an educational item for Council and realizing there is a cost trade off, but at the same time, the additional cost makes the playground accessible to as many people as possible. Member Mutch said he personally would have no problem amending this budget for this project to provide that Poured in Place surface for these two locations. That is the standard that we should be trying to reach. He said that ADA is great, but universal is what the state wants communities to go for. Mr. Muck confirmed the additional cost was \$150,000 per our designer. Member Mutch asked if the renderings on the plans were just renderings, the trees don't exist right now, correct? Mr. Muck said they were just renderings. Council Member Breen's point about some kind of shade structure in this area is a good one. If it came down to a budget issue, this is where the department needs to say these are some amenities that probably would be very desirable. We can't fit them within the current budget and come back to Council and ask. Council may say no, but you can ask. He said at the same time some of these things get cut out, or decisions made to not to do them and he thought maybe if they came to Council and asked, they may have given it some considerations. This is something tangible; it is not like someone went over budget. He thought going forward we should go for the higher standard. If that is a conversation that needs to happen either at the Parks Commission level or at the City Council, he thought providing those with additional information would be helpful.

Roll call vote on CM 19-10-185

**Yeas: Gatt, Staudt, Breen Casey, Mutch,
Poupard, Verma,
Nays: None**

5. Approval of resolution to authorize Budget Amendment #2020-1

Mayor Pro Tem Staudt asked City Manager Auger if the \$630,000 for the Capital Improvement Program (CIP) for the purchase of land that Country Building and Supplies was generally considered a road project more than it is anything else. We have had a lot of discussions over the years about how we are going to use funds from the Capital Improvement Program and that is not one of the ways we wanted to use it. Mr. Auger asked Mayor Pro Tem Staudt to clarify. Mayor Pro Tem Staudt asked him if it is primarily a road project. Mr. Auger said he wouldn't say it was primarily a road project. The final use of that land has not been determined yet. Initially we are going to put a temporary road in there as the Bond project moves forward before we can complete the Bond Street to match up with the ring road and a small slice of the two properties we purchased will be needed for the right-of-way for that road. In the meantime for the first year or two there will be a temporary access out to Grand River through there. Mayor Pro Tem Staudt asked what the purpose of this property other than putting a road through? Mr. Auger said it was for future City use. There are a couple of things that we have floated by Council before. We do not have a determination of what we are going to do with that property yet. Mayor Pro Tem Staudt said he was not a big fan of this. He wondered if Finance Director Johnson happened to know what fund balance this leaves in the Capital Improvement Program. Mr. Johnson said no, not right off hand. Mayor Pro Tem Staudt said this wasn't one of the uses that we considered, he didn't know how his colleagues felt, but the Capital Improvement Program was going to be limited to certain types of projects. This one doesn't have a defined use. He said he didn't know where else we would get the money from and perhaps down the road this would have been a good option for the Corridor Improvement Authority, it is in that corridor. As part of the Capital Improvement those dollars are for parks and things that have a very specific purpose. This doesn't have a specific purpose as this point. He said he knew we would like to own this property for a lot of different reasons, but he wasn't sure it fits into exactly into the Capital Improvement Program was set up for. He wasn't sure where he stood on this that moment. The fact that we don't know how much money is left in the Capital Improvement Program fund balance also concerned him.

Member Mutch said he had asked City Administration about a couple of these items, but he missed this in his review. He mentioned that under Parks, Recreation and Cultural Services Fund we are removing the ITC Community Sports Park path resurfacing project. He wondered what the reasoning was for removing that. Finance Director Johnson explained that was a typo that is the \$350,000 related to the lighting at Power Park. Mr. Johnson said he noticed that after they spoke earlier. Member Mutch said he could see how that fits into the change that Mr. Johnson had proposed. Member Mutch echoed Mayor Pro Tem Staudt's point that he made earlier when he said that this is a significant expenditure from the Capital Improvement Fund and wasn't sure whether it is appropriate or not. It is always helpful for him when he is seeing these requests to see what the fund balance is going to be with that change. Member Mutch stated that we have major changes in Major Street Fund, Municipal Street Fund, etc., and some of those they include the fund balance after the budget adjustments and some you do not. Is there a particular reason why we are not seeing that on all the

funds? Mr. Johnson said the ones that we present there are the ones that have the fund balance restrictions on them, the minimum and the maximums. Those are the Council restrictions. He explained that the 10 percent in the Street Funds, the 22 to 28 percent in the General Fund, etc. so the ones that have the Council minimums they do in fact list them so you can see them in the future. Member Mutch said he appreciated that explanation. Member Mutch said in terms of the Mayor Pro Tem's concern Mr. Johnson said he didn't have that information before them that evening, he wondered if there any reasons if we pulled that particular item out of the budget amendment that could not wait until the next meeting for Council to vote on. Mr. Johnson said correct, we have spent the money already so it is just the matter of what pot we are going to take it from. Member Mutch suggested if we make a motion is to remove that item from the budget amendment pending Mr. Johnson being able to provide City Council the fund balance amount and return before City Council at a future meeting for Council to take action on it. Mr. Johnson said that wouldn't be an issue although we have to amend it before the end of the fiscal year. Member Mutch said we have plenty of time for that.

CM 19-10-186 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of resolution to authorize Budget Amendment #2020-1 with the removal of the \$650,000 Capital Improvement Program Fund amendment to be discussed at a future meeting.

Roll call vote on CM 19-10-186

**Yeas: Staudt, Breen Casey, Mutch, Poupard,
Verma, Gatt,
Nays: None**

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Member Breen said we are very fortunate to live and govern in one of the most financially stable and diverse cities in Michigan. She believed that his was due in part by willingness in embracing new ideas, technology, and we have modified our policies accordingly. Member Breen said she last year consulted with our now Attorney General Dana Nessel on an internal policy with a majority of support of City Council. We amended our internal policies so that Novi unequivocally stated that we would not discriminate on the basis of gender identity, expression, or sexual orientation. The State of Michigan has been hampered in addressing these issues specifically and there are other cities in our state such as Grand Rapids, Ann Arbor, East Lansing, and Farmington Hills that have adopted human rights ordinances that prohibit discrimination based on upon sexual orientation, gender identity, or expression in places of public accommodation. The Michigan Department of Civil Rights issued a report several years ago, and the focus was not on the moral or ethical aspects of such policies, but to

focus on whether or not these directives had an economic impact. The conclusion was that LGBTQ inclusiveness does result in positive economic change within communities. She said she realized that there is an election coming up, but there was a definite possibility that five of them would be back in November. Sometimes government moves a little slow, sometimes quickly, she is not asking that evening to adopt a specific ordinance. What she was asking for under the Council Rules is a slight discussion, comment and support, and to ask our city attorney to draft a proposed ordinance that can be discussed and voted on at a later date.

Member Mutch said the first step for City Council to discuss a proposed amendment is to have some background information about what other communities have done to adopt a human rights ordinance, the scope of the ordinances in terms of what they are trying to accomplish. He said Member Breen noted that we as a city updated our employment policies to clearly state that discrimination in those areas was not acceptable as an organization. This would be a similar statement from the City's perspective in terms of our community. He felt it was worthwhile to consider that kind of ordinance. He said at this point we need to ask City Attorney Schultz to bring forward background information in terms of what is the scope, what is the impact, what are the legal issues that arise in the context of adopting a human rights ordinance. He wondered if there was model legislation out there and available at the state level or are there examples, such as Farmington Hills would be the first place he would look at because we are similar in terms of our community. He wondered if there were ordinance examples that would be readily adaptable for the city of Novi to vote on in the future. He said he knows in some communities it has been controversial. There are concerns that have been raised over religious accommodation, how far does the community go in terms of what kind of things is being covered by the ordinance. Obviously it isn't something to step into lightly knowing at the same time he agreed with Member Breen the State of Michigan really has fallen behind in this area. It has been left to the local communities to step up and fill the gap and extend these protections to residents that are in need of them. He said the first step is to have City Attorney Schultz provide us with information to be able to start a conversation along these lines and fully understand what are the issues that are involved. Mayor Gatt said he didn't think there would be any objection to that. We are an all-inclusive city; we always have been and always will be. Mayor Gatt asked that City Manager Auger and City Attorney Schultz work together. They would like some suggestions, maybe in an off-week packet, and then perhaps they can talk about it in Ordinance Review Committee.

COMMUNICATIONS:

Mayor Gatt announced he was told before the meeting that Mr. Ron Watson, who was a big Novi person for the old-timers who was instrumental in starting the Motor Sports Hall of Fame, passed away this morning unexpectedly. Please keep him and his family in your thoughts and prayers.

Mayor Gatt thanked Ramesh Verma and Doreen Poupard on behalf of his colleagues again for serving on Council. He also said there were other members running for re-election on November 5, he wished them the best.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:59 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: November 12, 2019